CGAL-Coburn Coal Co., East 22d street. Anthracite, coke, hard and soft coal. Phone 2445. DYEING-BRILL & CO., 155 North Illinois street and 238 Massachusetts avenue. Party, ball and theatrical

dresses cleaned equal to new; also, dreing and cleaning gents' and ladies' garments by European and American expert dyers. FLORISTS-

BERTERMANN FLORAL COMPANY, New No. 241 Mass ave., 226 N. Del. st. Tel. 840 LAUNDRIES-UNION CO-OPERATIVE JAUNDRY.

D. S. Kelley, Mgr. 138-144 Virg. ave. 'Phone 1269. MANTELS AND GRATES-

P. M. PURSELL (Mantels, Furnaces),

231 Muss. ave PATENT LAWYERS-CHESTER BRADFORD. 1233 to 1236 Stevenson bldg., 15 E. Wash. st V. H. LOCKWOOD.

415-418 Lemcke bldg BALE AND LIVERY STABLES-HORACE WOOD (Carriages, Traps. Buck-boards, etc.) 25 Circle. Tel. 1097.

SHOW CASES-WILLIAM WIEGEL, 116 South Pennsylvania st. UNDERTAKERS-FRANK BLANCHARD.

99 N. Delaware st. Tel. 411. Lady Attendant. WALL PAPERS-H. C. STEVENS, New Style Wall Paper, Low prices. 930 N. Senate ave. Tel. 2 on 2552.

FUNERAL DIRECTORS.

FLANNER & BUCHANAN-320 Norb Illinois street. Lady embaimer, for ladies and children. Office always open. Telephone sil. Hacks at lowest prevalling price.

C. E. KREGELO. FUNERAL DIRECTOR, 223 N. Delaware St. Residence Phone, New 1749. No branch office on N. Illinois street.

MONUMENTS. MONUMENTS-A. DIENER, 449 East Washing ton st. Tel. 2525. Branch works Crown Hill

FINANCI. L. LOANS-Money on mortgages. C. F. SAYLES 75 East Market street. \$100,000,000 to invest through bankers, brokers, etc. Send for circular. Investors' Directory, N. Y LOANS-Sums of \$500 and over.

C. E. COFFIN & CO., 150 East Market street LOANS-On city property; 5% per cent.; no commission; money ready. C. N. WILLIAMS & CO., 219 Lemcke building. MONEY-To lean on Indiana farms; lowest mar-

ket rate; privilege for payment before due; we also buy municipal bonds. THOS. C. DAY & CO., Rooms 895-812 Law building. Indianapolis. FOR SALE. FOR SALE-Coal, coke and wood. C. F. HUNT

CO. Both 'phones, 1169. FOR SALE-Ten R.kP.A.N.S for 5 cents at Druggists; one gives relief. FOR SALE-Drug store at Huntington, Ind Population 10,000. No cut prices; no dead stock; cheap rent; invoice, \$2,200. Terms, \$100 under invoice if taken at once. Address DRUGGIST, 121 North Jefferson street, Huntington, Ind.

FOR RENT. FOR RENT-Brick factory, 18 West Henry, two squares south Union Station, \$30

WANTED-MALE HELP. WANTED-Wood carvers, keep away from In dianapolis Chair Company. Trouble. WANTED-For U. S. Army; able-bodied unmarried men between ages of 18 and 35, of good character and temperate habits. For information apply to Recruiting Officer, 25 N. Illinois st., In-

WANTED-SALESMEN. WANTED-Salesman acquainted with the trade in Indiana to represent summer clothing manfacturers on commission basis. Apply C. A YOST & CO., 739 Broadway, New York.

WANTED-FEMALE HELP. WANTED-Girl for general housework in family of three adults. Address MRS. JACKSON, care Journal, or telephone 1261, new.

WANTED-Clinics at Central College of Den tistry; charge for material only, open all day Corner Ohio and Illinois streets. WANTED-Party to lease a foundry ready for immediate operation; well located; capacity, 25 30 tons per day. Owner can use greater part of output. X 3, care Journal office.

WANTED-MISCELLANEOUS.

AUCTION SALE: AUCTION SALE-At 10 o'clock a. m., Thursday Nov. 9, 1899, at 945 and 947 Massachusetts ave nue, Indianapolis, Ind., stock of clothing, men's furnishing, hats, caps, shoes, trunks, etc., o Sarah T. Kabaker, bankrupt. Terms cash. In Feibleman, 806 Stevenson building. JESSE F. SOLOMON, Trustee.

STORAGE. STORAGE-The Union Transfer and Storage Company, corner East Obio street and Bee-line tracks; unly first-class storage solicited. CRAT-ING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

LEGAL ADVERTISEMENTS. PROPOSALS FOR MILITARY SUPPLIES-Chief Quartermaster's Office, Chicago, Ill ov. 2, 1899—Sealed proposals, in triplicate, will received at this office until 10 o'clock a. m., ov. 13, 1896, and then opened, for furnishing and livering at either the Chicago, Cincinnati, Bosets, hatchet helves, camp kettles, pickax helves, des, tent poles, trumpets, trumpet crooks, trumpet cords and tassels, braided cotton cord and chevron silk. All articles must conform to standard samples and specifications to be seen at this office. Government reserves right to reect or accept any or all proposals or any part reof. Preference given to articles of domestic eduction or manufacture, conditions of quality ind price (including in the price of foreign proluctions and manufactures the duty thereon) be-

Delay of Freights on Railways.

C. LEE, Chief Quartermaster.

ing equal. Blanks for proposals and particulars

will be furnished on application. Envelopes con-

taining proposals to be indorsed, "Proposals for

Supplies" and addressed to COL. J. G.

To the Editor of the Indianapolis Journal: Much has been printed recently about a tties" and other like excuses of railroads for the shipment of the products of the country. These excuses are valid to some extent. The | shops will have to be operated night and large expansion of trade has made a larger demand for cars. But are the railroads themselves entirely blameless for this shortage of cars and transportation facilities? I think not. If railroad managers and employers were as active and earnest in the movement of their traffic as the ordinary business man is there would not be half the trouble. In flush times business men put on extra forces and "push" things. Do railroads do this? If so, why does it take so long for a ear to be shipped? Just now this city is erecting a High School building. The pressed brick are being shipped from Akron. O. It takes from ten days to two weeks for a car to reach this city after being billed out at Akron. This is not an exceptional case. It is the rule. A few years ago the writer of this article built a residence and bought his pressed brick at Akron. There was not a single car that came through within ten days, and one was twenty-one days on the way. This is true of lumber, coal, produce and other commodities. business men everywhere complain of the long delay in receiving freight after it has been shipped. The trouble is not a shortage of cars so much as the fact that loaded cars are side-tracked and left from day to day by railroad officials and train crews. Wire 'tracers' and "rush orders" have no effect on an indifferent or overworked crew. By such a loose way of doing business rathroads are large losers and the people generally are disgusted and disappointed. What is the remedy? A few years ago I suggested a law imposing a penalty on railroads for the delay of freight beyond a reasonable time for its transportation. No one would say that two or three weeks was a reasonable time for a car of brick to be shipped from Akron, O., to Noblesville, Ind. When a car arrives at its destination railroad officials demand that it be unloaded at once and make a per dem charge for the car beyond the time allowed for its unloading. If it is fair to charge the shipper for yardage and storage, why is it not fair to charge the railroad company for its delay of the goods? The rule should work both ways. If such a law were enacted and enforced we would not hear so much about "car famines" and the business interests would be greatly b neft ed. | being made in the extensive improvements

Noblesville, Ind., Nov. 2. THE MOST APPROPRIATE WEDDING, Anniversary, Easter, birthday or Christmas present is a "Gasland" stove or range.

WILL H. CRAIG.

SHIPPERS ARE WORRIED

BEGINNING TO ASK WHERE THE AD-VANCE IN RATES WILL END.

The Pennsylvania Orders Ninety Locomotives Built at Its Own Shops-The Lake Shore Engines.

The advancing of railway freight rates continues, and there is great danger that the awakening to the situation on the part of the executives may lead to serious oppothe latter are better able to stand an increase now than in years. Already the thought has occurred to some shippers that it is time to inquire into this question and learn, if possible, just where it is likely to end. Attention is consequently directed to New York and the sessions of the official classification committee which were held some days since. Not much has been printed about the committee's labors, but it is believed among shippers that the several hundred changes referred to as agreed on will mean considerable. The classification committee in New York is in position to give vance, in fact, more so than is supposed, and the question remains as to how far it really has gone. "The people generally are more able to-day to pay rates 50 per cent. higher than the present rates than they were to pay these rates two or three years ago, said a traffic official. No objection to an advance is made by those who ship most, the iron and grain men. They appreciate the fact that when times were hard the railroads cut down freight rates in many cases to the mere cost of transportation. If they had not done so many of the largest manufacturers in the country would have been compelled to shut down. That would have thrown all their men out of employment, and consequently many of the railroad men. The principal reason why the railroads are forced to raise their rates now is that nearly everything they have to buy has increased in price. Steel rails cost nearly twice as much as they did eighteen a gold watch and months ago, and there has been a big advance in the price of lumber.

Shortens the Cincinnati Line. What seems to be correct information reached Muncle in a report that the Chicago, Indiana & Eastern Railway will at once be extended from Mathews to Muncie, and thence to Richmond, forming the connecting link on a bee-line route from Cincinnati to Chicago, several miles shorter than any other. This story comes from a traveling passenger agent of the Chicago & Northwestern, who announces that he has tendered his resignation with that company, to take effect Jan 1, at which time he will accept a similar position with the C. I. & E. The road is now completed from Converse, Miami county, to Mathews, a distance of about fifty miles. The right of way has been secured to Muncie, and two years ago a subsidy was voted for the Muncie extension, a distance of fifteen miles, while the distance to Richmond is forty miles, where the eastern end of the road will connect with another Panhandle division. Muncie and the southeastern part of the gasbelt territory want a direct line to Chicago and Cincinnati, both for passenger and freight business. It is said that the Lake Erie Company has contracted with the Chicago & Southeastern for the use of its track from Muncie to Noblesville, to be to Indianapolis, trains passing over the route twice a day each way. The Lake Erie turns over a great amount of Fort Wayne traffic to the Big Four, at Muncie, for Indianapolis, and the idea is to get into the capital city earlier in the morning.

Big Four is much pleased that the new passenger engines of the Lake Shore, which have been placed in service in the last few weeks, are successful. There are eleven of these large new passenger engines, which the Brooks locomotive works built for the Lake Shore, and all are now in use hauling the company's fast passenger trains, and are demonstrating that they can haul the terest in the Chicago Union Traction Comheaviest passenger train over the road at pany.' high speed and keep the train on its sched-There has not been an occasion when one of these engines has had opportunity to show just what can be done on the Lake Shore's excellent roadbed, but the officials are waiting a good opportunity when it can be seen how much time can be made up between Buffalo and Cleveland and Cleveland and Chicago. When the test omes some surprises are looked for, which will be record-breakers not only on the Lake Shore but for the roads of the coun-These engines have driving wheels six eight inches in diameter, are tenwheelers, and it is claimed that on the Lake Shore's level road they can haul a freight train nearly a mile in length or an express train seventy miles an hour.

The Lake Shore's New Engines.

The transportation departmenet of the

Normal Rates to Be Restored. Normal rates between Chicago and Missouri river points, and St. Louis and Missouri river points, will be restored Nov. 15. Such was the verdict of Western officials today. The executive officers of the Chicago-St. Paul lines will meet in St. Louis next ton or Philadelphia Depots of the Quartermaster's Department, russet shoes, gauntlets, camtare between that city and Minnesota's the bank's liabilities are all payable on department, russet shoes, gauntlets, camtare between that city and Minnesota's the bank's liabilities are all payable on department, russet shoes, gauntlets, camtare between that city and Minnesota's the bank's liabilities are all payable on department, russet shoes, gauntlets, camtare between that city and Minnesota's the bank's liabilities are all payable on department, russet shoes, gauntlets, camtare between that city and Minnesota's the bank's liabilities are all payable on department, russet shoes, gauntlets, camtare between that city and the bank's liabilities are all payable on department. restore rates on the basis of normal tariffs unless there is a definite understanding that the settlement of the difficulties be permanent. It is also understood that that road insits upon being allowed a larger percentage of the business than it has heretofore had. The St. Paul unhesitatingly, voted for the restoration of Missouri river rates, it is

Monster Locomotives.

A special from Altoona states that the Pennsylvania has placed an order at its Juniata shops for ninety locomotives, which in the shops of the company. Two types of engines are to be built-thirty-five passenger machines to be known as "G-4" and fiftyfive freighters classified as "GA-a." Fifteen car famine," "lack of transportation facil- of the former are now in course of construction and twenty-five of the latter. The remaining fifty will be completed before spring. In order to handle this big order the

Personal, Local and General Notes. In October the pay rolls of the shops of the Wabash exceeded those of October, 1898, fully \$15,000.

On Nov. 1 the Baltimore & Ohio Southwestern and the Erie became members of the Indiana Car Service Association. C. E. Schaff, general manager, and General Passenger Agent Lynch, of the Big

Four lines, will return from New York to-P. A. Hewitt, auditor of the Big Four, who has been South for a few weeks for the benefit of his health, has returned

much improved. A. Galloway, superintendent of the Cincinnati and Indianapolis division of the Cincinnati, Hamilton & Dayton, was in the city last evening.

C. R. Williams, one of the telegraph operators of the Big Four, has been appointed car distributer of the Big Four's Chicago division, east end. H. F. Houghton, superintendent of the Chicago division of the Bla Four lines, who

has been quite ill, was able to sit up a few hours yesterday. J. J. McLaughlin, of Danville, Ill., has been appointed yardmaster of the Chicago & Eastern Illinois at Terre Haute, vice Thomas Oliver, promoted.

the Philadelphia & Reading at Harrisburg. and is succeeded by C. H. Morgan, of the Southern States Dispatch. Daniel Creemer, father of the chief train dispatcher of the Big Four lines and form-

F. Strominger has resigned as agent of

erly section foreman on the Big Four, will be buried to-day at Cleves, O. Plans have been prepared for the erection of a new union passenger station at Chicago jointly by the Lake Shore, the Nickel-plate and the Chicago & Rock Island. The St. Louis Southwestern will begin 1900 with direct communication with Chicago. The connection will be made with the Chicago & Eastern Illinois at Gray's Point. Double tracking the western division of the Chesapeake & Ohio is being pushed vigorously and at Richmond good progress is

1 p.annech The increased business with the railways has greatly increased switching expenses at such points as Indianapoli, Chicago, Peoria, St. Louis and Cincinnati, as it has necessitated putting on more switching engines

French tonds in

and crews. At Indianapolis twelve more switching engines and crews are now in service than two years ago.

The New York, New Haven & Hartford has tabooed loud attire. Orders have been issued to its uniformed employes that nothing fancy in the way of shirts, cravats. collars, tanned shoes, etc., shall be worn. Charles E. Keenan, who on Nov. 1 retired as superintendent of the shops of the Philadelphia & Reading at Reading, was or Tuesday presented with an Elgin gold watch and chain by his late associate em-

The ten new engines the International Power Company is building for the Big Four are of the consolidated type and will weigh 190,000 pounds. Four of the number are to be delivered this month, the other six in December.

The Chicago, Burlington & Quincy passenger earnings, as shown by the official statement for September, reached \$1,032,771, an increase over September, 1898, of \$37,257 sition on the part of shippers, even though | The freight earnings were \$3,251,140, an increase of \$659,202. Milbury Greene, son of Wm. Greene, vice

president of the Baltimore & Ohio Southwestern, on Wednesday returned from an toga, which left Philadelphia on June 22 for the Mediterranean. On Wednesday a Class P engine hauled a special train from Columbus to Pittsburg

on the Panhandie, 193 miles, in four hours and twenty-two minutes, making four stops, which was the fastest time ever made by an east-bound train between these points. The Reading Railway yesterday issued a new freight tariff, to take effect Nov. 15. whereby freight rates will be generally advanced. Among the articles largely affected by the change are iron and its collateral the same changes. A charter has been granted to the Kins-

ton Bridge and Terminal Company, with a capital of \$250 000, to build a railroad from a point on the west bank of the Clinch | for the benefit of the old road. river, where the Tennessee Central Ratiroad terminates, to Kinston. Incorporators, G. P. Bige ow, Ed Hill and others. The Big Four last week took out of Chi cago 13,394 tons of freight, the largest ton-

nage in its history. This is one of the re-

suits of the recent trip through the North-

west of Freight Traffic Manager Cost, of

Whitaker, of the Chesapeake & Ohio. The span of the bridge over Tanner's creek, on the Big Four, which was demolished in a wreck Tuesday morning, was replaced and trains running over it in forty-four hours. The bridge was 130 feet long, went down at 2 o'clock in the morning and the material to rebuild it had to be loaded and shipped to the place.

the Baltimore & Oblo, on Wednesday presented John F. Haggerty, an engineer, with his steadfastness to the company and his presence of mind in saving a trainload of | Cases Handed Down by Supreme and passengers from a disastrous wreck at Connellsville, Pa., on Sept. 6. The abolition of tips on dining cars and

sleeping cars of Eastern roads is being vigorously prosecuted. In New England the practice had really become an evil. New York Central has led in the reform. which the traveling public will appreciate, as a point had been reached when it meant d soon f rt to the traveler who neglected the colored servant.

It is stated that John A. Spoor, president of the Chicago Terminal Railway, is to be appointed general manager of the Pullman-Wagner Company. Mr. Spoor was formerly general manager of the Wagner Palace Car Company. J. N. Faithorn, president and general manager of the St. Louis, Peoria | The court, therefore, ordered that her half Northern, will be the president of the Chicago Terminal Railway Company.

The uniform men of the Baltimore & Ohio appeared in their new winter uniforms Nov. On the outside of the cuff of the left sleeve is a gold stripe for each five years of service; nothing but the gold stripe is used. The plan to give the men a silver stripe for three years' service was dropped. There are on the system about twenty men who have seen thirty years of service on the road and will be entitled to six stripes. A rumor has been circulated that J. W.

Gates, chairman of the American Steel and

Wire Company, of Chicago, was selected used by a through train from Fort Wayne for the presidency of the Kansas City, Pittsburg & Gulf Railroad. Mr. Gates said yesterday that he had never thought of sition under any circumstances. He said: "My time is too much occupied with the under any circumstances." The Cincinnati Commercial-Tribune says morning: "Representatives of the

American Railways Company, capitalized at \$25,000,000, at the head of which is ex-President McLeod, of the Philadelphia & Reading Railway, are here negotiating for a controlling interest in the Cincinnati, Newport & Covington street railway. The American Railways Company has recently bought the bonds of the Dayton, O., com-

BANKS AND REAL ESTATE. Comment on Resolution of Indiana Bankers' Association.

New York Evening Post. The Indiana Bankers' Association held their annual session at Indianapolis on Wednesday last, and adopted resolutions in favor of reducing the tax on national banknote circulation one-half; permitting the issue of circulating notes to the par value of the United States bonds deposited for circulation; permitting the organization of national banks, with a capital of \$25,000, in towns having one thousand people or less, and granting to national banks, excepting in reserve or central reserve cities, permission to invest 50 per cent. of their capital stock and surplus in first mortgages on real estate, that may run not longer than five years. All of these proposed changes, except the last, have been discussed more or less in recent years, and have been generally approved. The national banking act prohibits the lending of any part of a bank's money on real-estate security. This provision of not come under this category, and no prudent banker would make many such loans even if the law put no restrictions on him. banks (other than savings banks and trust companies) which are under no such restriction, yet, being commercial bonks chiefly, the amount of money which they lend on real estate is insignificant. The national banking law is, therefore, rather perfunctory than useful in this particular. Probably the slight change which the Indiana Bankers' Association asks for would not be profuctive of harm, and it might do away with some prejudice which exists among the will be the most powerful ever constructed | farmers of the country against the national banking system.

Not Estranged from His Son. New York Letter.

Those who have known all the facts that ed up to the estrangement of Mr. Vanderbilt and his eldest living son have never permitted any one to assert in defective. their presence that in the distribution of Mr. Vanderbilt's property he was actuated by resentment toward his son Cornelius. The reports that he made his will after he had fallen a victim to a stroke of apoplexy. and that this stroke was caused by a violent, even physically violent, interview that he had with his son, are shown to be incorrect, since the will was dated nearly two months before Mr. Vanderbilt had his final interview with his son.

Without going too closely into the details of this unfortunate difference, it can be said that Mr. Vanderbilt said to his son that his objection to his marriage was based upon his belief that his son did not realize the importance of the step he was taking nor how it might affect his future, and that he suspected that the son did not really know his own mind. He therefore asked him to wait one year, and said that if at the end of the year his son was still determined to marry his betrothed, then he. the father, would withdraw all objections. This promise young Vanderbilt refused to give, and it was after that refusal that Mr. Vanderbilt made his will, being inspired thereto not by any feeling of resentment for his son, but by his loyalty to the great properties that bear the Vanderbilt name, since he felt that possibly these properties, in their control or their action, might be imperiled. But immediately after his son's marriage Mr. Vanderbilt increased the allowance of \$5,000 a year which he had for some years made to his son to \$25,000 a year, and he also sent word to him that he could always have a home under his own roof.

Tommy Atkins's Family. Let us manage so as later we can look him in

the face And tell him-what he'd very much prefer-That while he saved the empire his employer is said, and will be liberated in a short time. saved his place, And his mates (that's you and me) looked out for her. Ho's an absent-minded beggar, and he may for-But we do not want his kiddies to remind him That we sent 'em to the workhouse while their daddy hammered Paul. So we'll help the home that Tommy's left be-

Hornire-(Fifty thousand horse and foot going to Table Each of 'em doing his country's work-(and what have you got to spare?) Pass the hat for your credit's sake and pay--From Kipling's Latest.

Cook's home-Duke's home-home of a mil-

COURT DECIDES AGAINST PETITION-ERS IN L., E. & ST. L. CONSOLIDATED.

Their Bonds Were Not Offered for Ex-Quick Enough-Suit Against a Trust Company.

A decision was yesterday rendered by the United States District Court in the case of the New York Security and Trust Company against the Louisville, Evansville & St. Louis Consolidated Railroad Company.

The case came up for hearing on the petition of Otis Kimball and twenty-nine others. The petitioners are part owners and ho.ders extended cruise in the training ship Sara- of three hundred \$1,000 bonds of the Huntingburg. Tell City & Cannelton Railway Company and they asked that the Louisville, Evansville & St. Louis Consolidated Railway Company, which is a consolidation of the above road with several other smaller lines, be required to exchange the bonds now held by them for the bonds of the con- | jured that he was unable to appear at the solidated road. Before the Huntingburg road went into the consolidation the terms of agreement were that the consolidation material aid in promoting the general ad- products. Other roads are expected to make | was to take up and exchange for new bonds the old bonds of the Huntingburg road. Where such exchange could not be effected they were to make the best terms possible

The petitioners in the case are part of the original stockholders who never exchanged their stock for the new stock, and continued to draw their semi-annual dividends for a period of five years. They are now seeking to compel an exchange of their old bonds for the Big Four, and Freight Traffic Manager | the new ones. The court held that they were not entitled to an exchange because they had been guilty of negligence in waiting so long a period of time before seeking the exchange. The court also held that if the exchange were ordered it would work a manifest injustice to the company in that the petitioners had drawn ten semi-annual installments of interest on the old bonds. William Gibson, general superintendent of and had never made any offer to restore the excess interest.

HIGHER COURT DECISIONS.

Appellate Courts. The judgment in the case of Caroline Watkins against the administrator of her husband's estate was affirmed yesterday by the Supreme Court. The half of a farm owned by her husband, who was heavily in debt, was claimed by her as her property, and the court so awarded it, subject to whatever debt was left after the sale of the other half. As she (Mrs. Watkins) claimed her dower interest in the second half when it was sold, there was not sufficient property left to pay the debt which attached to it. ment which was affirmed. A rehearing in the case of Walter H.

and others was denied by the Supreme Court. Elizabeth Moore, wife of Willis E. Moore, was the owner of a large amount of property, and, dying, wished to summon a lawyer, so that she could will one of her farms to two of her brothers, who were very poor. The husband objected on the ground that she was not able at that time to make a will, but promised to see that her brothers got the farm. Shortly after the death of his wife Willis Moore, the husband, died, and his heirs claimed the property as such a thing, and would not accept the po- | against the brothers, but the court held that the farm should go to the brothers. A judgment dismissing the proceedings American Steel and Wire Company to take instituted by Daisy Blanchard, of Indianup anything else, and I would not accept apolis, to resist the probating of the will of her father was affirmed by the Supreme Court. William L. Blanchard left \$5 to each of his children, and bequeathed all the rest his property to his sister, and in the event of her death it was to go to her son. The children resisted the confirmation of the clerk's act in granting letters of administration in order to avoid the bond necessary to contest the will. The court dismissed their petition, holding that they could not do this. was held by the Supreme Court that the pany, has bought outright the Springfield, clerk could not probate the will as that was O., company and has secured a \$500,000 inclerk could not probate the will, as that was clerk before the will is presented for probate, the right to resist the probating of the will does not exist without a sufficient bond. In the case of the Louisville, New Albany & Chicago Railroad Company against George Wagner, the Supreme Court overruled the petition for a rehearing. A judg-ment for \$4,250 was obtained by the appellee against the appellant on account of injuries caused by the negligence of the foreman. An opinion affirming the decision of the Marion Superior Court, giving Everet A. McAlpin, executor, judgment against the Western Assurance Company for \$858 was handed down by the Appellate Court. The suit was based on an oral contract to insure. The court held that where there is simply an offer to insure, without acceptance, or where there is anything left open for future adjustment as to premiums, etc., no contract to insure exists. To a complete contract there must be an offer to insure and its acceptance when the insurance begins. There may be an actual contract without the payment of a premium or the delivery of a JUDGE ALFORD'S RULING.

New Point Raised in Case of State vs. Frank Engle. Judge Alford, of the Criminal Court, yes- | negotiable. 3. In a suit upon a promissory terday sustained a motion to quash the affidavit in the case of the State against Frank Engle, charged with obtaining lodging un-There are plenty of state banks and private | lawfully. Engle had a room on North East street, and moved from there without making a settlement satisfactory to the landlady. She claimed he owed her three week's rent, while he contended he owed for one week. It is claimed he made a tender of one week's rent, which was refused. He was arrested on a charge of defrauding his landlady, and was fined by a justice of the peace. He appealed the case to the Crimi- 2. Where the owner of property offers it to "Never mind, never mind," said Senator nal Court. The motion to quash was based an insurance company for insurance and it Riddleberger, with mock gravity. "I was on the contention that the affidavit failed to aver that the defendant acted "with intent to defraud." Attorneys say that a great livery the company is liable. 3. If an inmany cases of this kind have been tried before justices of the peace, and that many convictions have resulted. All of the affidavits have been prepared similar to the one in this case, and it is claimed that under the ruling of Judge Alford they are all

SHORT IN HIS ACCOUNTS. An Accident Association Suing on the Bond of John Harrity. The Railway Officials' and Employes' Accident Association, of this city, yesterday began an action in the Circuit Court against the American Bonding and Trust Company, of Baltimore. The accident association is suing to recover on the bond of John Harrity, who acted as the association's agent in New York for a time. It is claimed Harrity came out short in his accounts. It was his business to collect premiums and selicit insurance and in this way he handled a considerable amount of the association's money. It is charged that Harrity collected premiums on policies in the sum of \$947.76, which he converted to his own use. The complaint avers that the accident association first learned of this shortage on July 10 ast. The association at once notified the American Bonding and Trust Company that Harrity had confessed to appropriating funds to his own use. It is claimed the shortage has never been set-

tled by the defendant company. FOR LITTLE MISS DUKE. Guardian Appointed to Protect Her from Her l'ather.

A. A. McKain was yesterday appointed guardian of Josephine Duke, five years old. The appointment was made at the request is now serving his second term in prison, it The mother, fearing that her husband would want to take possession of their child, deemed it wise to have a guardian ap-

Claim Against Frankem Estate. Judge Allen, of the Circuit Court, is hearing evidence on the claim of Mary Laderack against the estate of Jonathan Frankem. Mrs. Laderack took care of Mr Frankem for two years before he died. She received \$4 a week as his housekeeper, but is now claiming \$1,500 for extra services. It is claimed the old man was a great charge, and that the claimant had to spend a great vorce. Superior Court, Room 3.

deal of time in taking care of him. The Railway Officials' and Employes' Accident dent of the growing complications in the way in which it could be acquired.

claim is being resisted on the ground that Mrs. Laderack was paid regular wages for caring for Mr. Frankem. He died in No-

Demand \$50,000 Damages.

There was filed in the Federal Court yesterday damage suits against the receiver of the Toledo, St. Louis & Kansas City Railroad asking for a total of \$50,000. Peter Zebert, who alleges that he was injured at Sims, Grant county, by a train, brings suit Damages in the amount of \$10,000 are asked for by Nettle J. Secrist for injuries suffered by her husband while trying to board a train at Lafayette. The administrators of the estate of J. D. Field, an engineer and Robert F. McAbee, fireman, ask for the amount of \$10,000 each. The men were killed on the engine gravel train, which left the track and rolled down an embankment.

Police Court Cases.

"Thirty dollars and costs and a workhouse sentence of thirty days" was the sentence Judge Daly yesterday upon William Barkdall, of 1226 West Twenty-sixth street, for whipping his wife. Mrs. Barkdall testified that the beatings were frequent. Oliver Petty, charged with assault and battery upon Bert Geyer in Grau's saloon Oct. 9, was fired \$15 and costs. George Briswho was arrested at the same time, was discharged. Geyer was so badly intrial before.

J. C. Veney, colored, sued M. S. Corkin for damages because the defendant would not allow the plaintiff to play billiards in his saloon. Veney recovered a judgment for \$25 in Justice of the Peace Smock's court. Corkin appealed the case to Room 2, Superior Court. It was called for trial yesterday, but the defendant was not present. The court finally grew tired of waiting for him and announced that the appeal would

be dismissed.

The Appeal Dismissed.

Marting Case Arrives. The case of Charles F. Marting was certified to the Appellate Court yesterday from the Perry Circuit Court. Marting obtained judgment in the lower court in the sum of \$150 and costs against the Oil school township for damages claimed by him in the sum of \$250 for breach of contract in not allowing him to teach the Oil township

> THE COURT RECORD. Supreme Court.

18729. Blanchard vs. Wilbur. Carroll C. C. Affirmed, Jordan, C. J.-1. The exclusive and original jurisdiction in all matters relating to the probate and contest of last wills and testaments and the granting of letters testamentary and of administration is lodged in the Circuit Court, Sec. 2365, Burns's R. S., 1894. 2. While the statute authorizes proceedings to be had in vacation before the clerk of the Circuit Court in relation to the probate of wills, still ch acts or proceedings are in reality intended by the statute to be ministerial in their character and are performed by the clerk conditionally and subject to the supervision and confirmation of the court in term time and thereby become the acts and proceedings of the court. 3. The right of a party to resist the probate of a will or to contest its validity is one wholly granted by statute and a person availing himself of such right must comply with the of the farm be sold, and it was this judg- requirements of the law under which he claims such right. 4. In order to maintain an action to contest the validity of a will under Section 2595, R. S., 1881, when the Ransdell and others against David Moore probation of the will is commenced before the clerk of the Circuit Court the con-testant should file his objections to the will prior to the proceedings of the clerk in admitting the will to probate.

19007. Watkins vs. Lewis, administrator. Montgomery C. C. Affirmed. Monks, J.— Where an administrator filed a petition to sell real estate to pay the debts of his de-cedent and the widow of the deceased, a defendant to the action, files a cross-complaint asserting title to a part of the real estate sought to be sold such cross-complaint and a general denial thereto puts in issue the title to such portion of the real estate as is alleged by the widow to belong to her, and the administrator is not required to plead any matter of estoppel or any other defense in answer to the cross-complaint, for under Section 1094, Burns's R. S., 1894, he is entitled to make and give in evidence any defense, either legal or equitable, he may have to the cross-complaint, and the court may adjudge the cross-complainant to be the owner in fee simple of a part of the real estate of which the decedent died the owner, but subject to an indebtedness for which the proceeding was brought by the administrator and when such judgment is rendered it is not subject to collateral attack. 18500. Randal vs. Moore. Clinton C. C. Petition for rehearing overruled. 18013. L., N. A. & C. Railway Company vs. Wagner. Clark C. C. Petition for re-

hearing overruled. Appellate Court.

2930. Cannon vs. Castleman. Marshall C. C. Affirmed. Black, J.-1. Where the finding is general it cannot be determined that it was based upon any particular paragraph of complaint, and if any paragraph of complaint is insufficient on demurrer the error in overruling the demurrer thereto is available on appeal. 2. When a complaint states in the body of it a good cause of action, specifying its nature upon one item alone, which is set out, a bill of particulars need not be made a part of the complaint. 3. A motion for a venire de novo need not necessarily be filed at the term at which the verdict is rendered. 2881. Pope vs. Branch Company, etc., Bank. Elknart C. C. Reversed. Comstock, C. J.-1. Each interrogatory to the jury must present a single material fact involved in the issue. 2. A payee or indorsee of a promissory note having notice of an agreement of the parties that the instrument should not be "payable in bank" cannot alter such note contrary to the agreement of the parties by inserting the name of a

that the "note was regular upon its face, because that was a fact to be determined asking a question. by the jury. 4. It is improper to ask a witment in good faith, because good faith is a the presiding officer. fact to be determined from all the evi-

contrary to the express agreement of the gling Virginian. "Jesh a minute. parties. 2917. Western Assurance Company vs. asked the chair. McAlpin. Marion S. C. Affirmed. Robin- Senator Edmun son, J.-1. To make a contract of insurance there must be an offer and an acceptance. angry to speak. is accepted, with nothing to do but deliver only going to ask if there was any senator the policy, and if a loss occurs before desurance agent authorized to accept risks accepts a risk by parol, promising to deliver the policy, the insurance begins with the acceptance and the contract in parol continues until the policy is delivered. 4. A contract of insurance or to insure may exist without either payment of the premium or delivery of the policy. 5. An agent authorized to deliver policies and collect premiums may waive the payment of the premium in cash, notwithstanding a stipulation in the policy to the contrary, and such a policy is enforceable unless avoided by bad faith or collusion. 6. Where a party to a suit has died previous to trial his testimony given at a former trial and reduced to long-hand manuscript may be read in evidence. 2884. Citizens' Street-railroad Company vs. Hoffbauer. Marion S. C. Motion to set aside oral argument granted. 2846. City of Bedford vs. Woody. Lawrence C. C. Withdrawal of petition granted

Superior Court. Room 1-John L. McMaster, Judge, William E. Harding vs. Mary E. Harding; divorce. Plaintiff dismisses. Judgment against plaintiff for costs. Plety Jacobs vs. John B. Wirt and Sarah C. Wirt: chattel mortgage. Finding and judgment for plaintiff against defendants for \$132 and costs. Foreclosure and sale

ordered. Room 2-James M. Leathers, Judge. J. C. Veney vs. M. S. Corkin; damages. Appeal dismissed for want of prosecution. Judgment against defendant for costs. Room 3-Vinson Carter, Judge. Cornelia Beard vs. Indianapolis Natural Gas Company: damages. On trial by jury.

Circuit Court.

Henry Clay Allen, Judge. Louisa M. Feld vs. Minnie Matthews; mechanic's lien. Evidence concluded. Finding for defendant. Judgment against plaintiff for costs. Lindsay M. Brown vs. James Parsley's Estate; claim for \$8.25. Dismissed. Costs Henry H. Goddard vs. Jehu Newlin's Estate; claim for \$107.50 and interest. Dismissed by agreement at cost of estate. Mrs. Grafton Johnson vs. Henry S. Ross's

Estate. Allowed by agreement for \$149.73

at cost of estate.

Mary Sadarack vs. Jonathan Frankem's Estate; claim for \$1.500. Submitted to jury. Evidence heard in part. New Suits Fi'ed. Lizzie Brown vs. James E. Brown; divorce. Superior Court, Room ! Alvin J. Alden vs. Henry Baker et al.; suit on notes. Circuit Court. Peter Stuck vs. Abigal Stuck et al.; foreclose. Circuit Court.

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Association vs. the American Building and Trust Company, of Baltimore City; suit on bond. Circuit Court. The Indianapolis Orphans' Asylum vs. Ellen E. Graham et al.; foreclosure. Su-

perior Court, Room 3.

Remy and O'Hara Meet. John W. O'Hara, an attorney of Peru, was at the Occidental Hotel yesterday in consultation with Charles F. Remy, the present reporter of the Supreme Court. Neither would say what the talk was about, but it is supposed that Mr. O'Hara was representing James Stutesman, who is an announced candidate for the place in opposition to Mr. Remy. Friends of the two men say that the visit of Mr. O'Hara was by arrangement, and resulted in an understanding between the Remy and Stutesman forces that the one who developed the most strength in the convention could have the following of the other as against all other candidates.

ART STUDENT MURDERED

BODY OF FREDERICK HARDY, JR., FOUND FLOATING IN THE BAY.

Young Tennesseean Who Was Probably Killed Near the Brooklyn Home of Albert Johnson.

NEW YORK, Nov. 2 .- There is no room for doubt that the body found in the bay at Keyport, N. J., last evening was that of Frederick Hardy, jr., of Mount Pleasant, Tenn., or that the young man (he was twenty-one years of age) was murdered and an attempt made to conceal the crime by sinking the corpse in the bay by means of a large stone tied to the body with a rope The accumulation of gas in the body caused it to rise to the surface, and the finding of it by oyster men followed. The pockets of the young man's clothing were turned inside out and his money and watch were gone. There were evidences that Hardy had been beaten on the head until dead or unconscious.

Hardy, who came to New York to take up the study of art, was last seen alive Sunday evening, Oct. 22, when he left the home of E. C. Moxham, an old friend of his family, living in the Fort Hamilton section of Brooklyn, for his boald ng place near by. He could not have had more than \$30 with him. The mother of the murdered man sailed for Europe recently. His father came East when informed of the disappearance of his son, and, with relatives residing here, is doing all in his power to discover the perpetrators of the murder. Several visiting cards bearing the name of 'Fritz Hardy' were found last Sunday among the surubs and trees which cover the declivity from the shore road to the water's edge at Ninety-ninth street, Brooklyn. No significance was attached to the fact until the tact of the maing of Hardy's body was published to-day. Then a close examination of the vicinity was made, and upon a fence which guards the water side of the shore road stains which looked like blood were discovered. It seems probable that Hardy was assaulted and murdered here and his body towed across the Narrows and down the bay to near where it was found, a distance of about fifteen miles. The summer residence of Albert Johnson the millionaire street-railway man, is only a few rous from the probable scene of the murder, and it is only a snort distance from the home of Mr. Moxham, where Hardy spent his last evening. At this season o the year the section is nearly deserted. There has been some complaint recently by people of the vicinity that rough looking men have been lokering along the short road in the Fort Hamilton and Bay Ridge section, having taken retuge there from the activity of the police in the borough of Man-

Formerly Lived in Alabama. BIRMINGHAM, Ala., Nov. 2.-Frederick For the Best People on Earth." Hardy, jr., whose body was found in the bay at Keyport, N. J., Wednesday evening, was reared in this city, where his father was formerly engaged in the stock brokerage business. He was first employed in the office of the superintendent of the Southern | our sentiment. Railway, but about a year ago went to work for an iron company. It was upon leaving this position last spring that he went to Mount Pleasant, Tenn. The young man had considerable artistic talent, and it was the intention of his parents to develop this so as to equip their son for newspaper and magazine illustrating work.

EDMUNDS WAS MAD.

When a Member of the Senate He Could Not Stand Jokes. Washington Letter.

The appearance of ex-Senator Edmunds in the Supreme Court room to-day reminded a former colleague of an incident in the official career of the gnarly Vermonter which provoked a cyclone of merriment at his expense. For years Senator Edmunds made a specialty of discussing the Pacific Railroad question. He was eternally at it, and eventually he became almost as tiresome es Senator Stewart when he gets started or

One day, while he was discoursing on the old familiar theme, Senator Riddleberger drifted into the chamber. The Virginian sat uneasily in his place for a few minutes and then a funny gleam came into his eyes. He struggled unsteadily to his feet, for be it known he was in a somewhat wobbly state, as was his custom, and addressed the chair. His tongue was thick and his voice bank in a blank space in the note preceding | was indistinct. The president of the Senate the word "bank" so as to make it appear | tried to ignore the interruption and Senator Edmunds paid no attention to his colleague. note when the cause is tried by a jury it | whom he heartily detested. Senator Riddle was error for the court to instruct the jury | berger was in no mood to be suppressed, however, and insisted on the privilege of

"Will the senator from Vermont yield to ness whether or not he bought an instru- | the senator from Virginia?" finally inquired "I will only take a minute of the senadence. 5. The law will not make a contract | tor's time." came labored from the strug-'Will the senator yield the floor?" again Senator Edmunds glared at Senator Rid-

dleberger and then nodded his head, too present who has a chestnut bell, frivolous gentleman from the Old Dominion fell back into his chair convulsed with

laughter at his own joke. The gallery roared, and the grave senators | striking contrast to the experience of many who had witnessed the ludicrous scene caught the infection and burst into an uncontrollable guffaw. The absurdity of the situation was more than they could stand one of the most radical changes recorded in and dignity was at a discount for the moment. It was several moments before Sen- | gathered from the product of his brain and ator Edmunds could proceed. He did not talk long, however. He could never endure all the world in typographical excellence ridicule, and it was a succession of little and enterprise, to find his name placed on things offensive to his sense of the proprieties that ultimately drove him in fury to resign his seat in the Senate.

A SUSPICIOUS MOVEMENT Distrustful of the Powers That Come

portion the ports of the Chinese empire.

They will not sanction our plans for "an

Bearing Gifts. Philadelphia Times. The European powers now propose to ap-

open door" to American commerce. They want to close every port against us, unless we will accept one for our own use and take care of it. We must decide whether we want a share of the Chinese markets or not. We must come in or stay out. This most important step in the destiny of the United States since the close of the Spanish war is foreshadowed in our Washington dispatches this morning. It comprehends nothing less than a suggestion from the great powers that the United States shall be allowed to occupy a part of Chinese territory. The report current at Washington is that the approachment will be diplomatically made by the Russian ambassador. That such an offer is the outgrowth of our new responsibilities in the East goes without saying. It would not have been made two years ago. Such a suggestion then, if made, would have been regarded as absurd and dangerous. To-day, despite the changed conditions, it must be received with gravest suspicion. We fear the powers bearing gifts. ing, and behind the soft words of diplomacy is concealed an implied threat that if we do not join in the partition of the Chinese coast line, now definitely decided

This tender can only have one meanupon, we will lose all future chance of a participation in the rich trade of the Middle Kingdom. In plain words, a door will not be left open for us. Our goods will be shut out. This raises a situation of the highest possible gravity to the trade interests of this country. That President McKinley will deal with the proposition with wisdom is reasonably assured, because he has been apprised of the intended course

AMUSEMENTS. **§ENGLISH'S**€

Saturday, Nov. 4, Mat. and Night The Laughing Success of the Season, In Paradise

Direct from the Bijon Theater, New York Cast includes Richard Golden and Flora Fairchilds Prices-Night, \$1, 75c, 50c, 25c. Mat. 25c, 50c. SEATS NOW ON SALE.

MONDAY, NOV. 6, ONE NIGHT ONLY, METROPOLITAN OPERA CO., Presenting Rossini's Opera, THE BARBER OF SEVILLE.

Prices-\$5.0 \$4.00, \$3.00, \$2.00.

Grand-To-Night, WEEK 25c Mat. Sat.

GRAND STOCK COMPANY

Weber Plane used. Plenty of good seats left.

In Sardou's Great Play. A Wife's Peril

Evening Prices-Lower floor, 50c; balcony, 25c; gallery, 15c; matinee, 25c. Next Week-Last season's favorite play, "The

PARK-TO-DAY-J. K. Emmet and Lottie Gilson "Fritz in a Mad House"

Hear Lottie Gilson's New Songs. 10c, 20c, 30c. Everybody goes to the Park. Special wire into Theater to-night for JEFFRIES-SHARKEY FIGHT. A full account of the great battle.

MENGLISH'SM

Next-"Hyde's Comedians and Helene Mora."

Friday Evening, Nov. 3. First concert of the season.

Indianapolis Symphony Orchestra KARL SCHNEIDER, Conductor.

Soloists: KATHERINE BLOODG OD, Contralto

HUGH McGIBENY, Violinist Prices—\$1.50, \$1, 75c, 50c, 25c. Best Seats for Season of 3 Concerts, \$3.

Seats for the season on sale Oct. 31. Sale for

the single concert opens Nov. 1.

Empire & Theater Wabash and Delaware Sts. One Week-Commencing Monday Mat., Oct. 30 Every Night, Matinee Daily. The High Rollers Extravaganza Co

Returns of the Jeffries-Sharkey fight received by rounds from special wire placed on the stage Prices of Admission-10c, 15c, 25c, 50c. Next Week-Tuxedo Club FLOWER MISSION NAVAL FAIR

TOMLINSON HALL Nov. 14 to 18, Inclusive. MORNING, AFTERNOON AND EVENING, "PINAFORE" Tuesday, Wednesday and Thursday Evenings.

Nov. 14, 15 and 16,

Vaudeville and The Zancigs

Friday and Saturday Evenings, Nov. 17 and 18

General Admission-50c. Reserved Seats-75

Reserved seats now on sale at Huder's, corner Washington and Pennsylvania streets. "The Best Beer on Earth

Try our Progress Brand and you'll be convinced of the truth of

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Telephone 578, and we'll send

pints or quarts. Indianapolis Brewing Co.

Ely's Cream Balm is such a remedy

easily and pleasantly. Contains no mercury nor any other injuriou It is quickly absorbed Gives Reitef at once. It Opens and Cleanses

the Nasal Passages. COLD IN HEAD Heals and Protects the Senses of Taste and Smell. Regular size, 50 cents;

far East, and is thoroughly prepared to advise the President. Admiral Dewey also is close at hand. A recognition of the new place that the United States occupies in the affairs of the world is seen in the suggestion that

ELY BROTHERS, 56 Warren street, New York.

"we can have anything we want. Ottmar Merganthaler.

family size, \$1; at druggists or by mail.

Chicago Post. Although Mr. Mergenthaler lived only forty-five years, he had for several years before his death reaped a rich harvest from his inventions, in this particular offering a another great inventor whose fame and fortune have both been posthumous. He lived to see type composition go through the history of mechanics, to enjoy a fortune genius, to see the American newspaper lead an equality with that of Guttenberg. Ottmar Mergenthaler never was a man of robust health. His mental capacity always seemed out of all proportion to his physical limits, and the years of close application spent in perfecting the mechanical dea which made him world-tamous sorely taxed his constitution. Yet he lived, in fact, in achievement and in material reward infinitely longer than Goodyear, Arkwright or Stephenson or many another who has given a life of effort and study to the perfection of a single mechanical idea. His name will live as long as the nimble fingers of expert compositors continue to touch the magic keys of the linotype. His fame will endure till type ceases to transfer the thoughts of men to the four corners of the earth. His

Our Title to Luzon.

will be a repute common to all ages, be-

cause the product of his genius has taken a

larger part in the world's advancement and

civilization than any other mechanical in-

vention since the days of Watts and Ste-

Providence Journal. Secretary Root's assertion that the title of the United States to the Island of Luzon is better than the title we had to Louisiana in the years immediately after its annexation may seem startling at first, but it does not overstep the truth. The fact is that if the United States and France had been private parties the conveyance of Louisiana to the former by the latter might easily have been set aside in a court of law. When Louisiana was ceded to France by Spain in 1799 it was on the condition that France should not allenate the territory or the usufruct of it, and that it should be given back to Spain if the Spanish king's son-in-law, the Duke of Parma, should ever lose the whole or the greater part of his estates. A few years later he did lose them. Nevertheless, Napoleon sold thesterritory to the United States despite the protests of Spain, Morally he had no right to sell and could not give a perfect title; and, had Spain then been a more powerful nation, he would not have been allowed to sell. Spain's weakof the powers for some time. The mobiliz- ness was our good fortune, for the Louisiing of a large fleet in Eastern waters is ana territory was bound to come into our Wm. Pittman vs. Clara E. Pittman; di- explained in the light of these disclosures. possession sooner or later, and that was